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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,541	11/02/2001	Victor Lu	3561-102	6064

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EXAMINER

SERRAO, RANODHI N

ART UNIT PAPER NUMBER

2141

DATE MAILED: 10/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/053,541

Applicant(s)

LU ET AL.

Examiner

Ranodhi Serrao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 is/are allowed.
- 6) ☒ Claim(s) 9-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, see remarks, filed 05 October 2006, with respect to the rejection(s) of claim(s) 1-12 under 35 U.S.C. have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art reference(s). See below rejections.
2. The applicant stated that the finality of the instant Office Action is premature under MPEP 706.07(a), and request that the finality of the instant Office Action be withdrawn under MPEP 706.07(d). Upon consideration, the finality of the Office Action has been withdrawn, and a new final Office Action is being issued.
3. The applicant argued that the issuance of an obviousness-type double patenting rejection is improper in an earlier-filed application. Upon review, the examiner finds the applicant to be correct, and the double patenting rejection has been withdrawn.
4. Applicant's arguments concerning de l'Etraz et al. have been fully considered but they are not persuasive. The applicant first stated that the l'Etraz **data mining operates** via manual entry **at the client node** and thus is not operable on the client node to return data based on the operation steps. Emphasis added. And later on goes on to say that l'Etraz would not result in the steps of "operating the data mining script on the client node." Therefore upon the applicant's own admittance, l'Etraz teaches the above mentioned limitation.

5. The applicant furthermore argued that the l'Etraz data mining tool is not "embedded within a web page." However this is incorrect since in col. 5, line 64-col. 6, line 6 l'Etraz states, "In each of the two above-described alternate embodiments, the contact intelligence **data mining tool may be run**, instead of locally or on proprietary equipment, via **the global Internet**. In such an embodiment, a contact intelligence service provider would allow access, on a subscriber per-use basis, to the contact intelligence **data mining tool via a World-Wide Web (WWW)** site on the Internet." Emphasis added. It is clear from the cited paragraph that l'Etraz teaches embedding data mining script within a web page. The applicant goes on to state that the web page described in l'Etraz simply provides a manual data entry field on the client node and allows queries on a server remote from the client node. However this argument is not pertinent since the claim language has nothing to do it. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Allowable Subject Matter***

6. Claims 1-8 are allowed.

***Claim Rejections - 35 USC § 103***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bharat (6,810,395) and de l'Etraz et al. (6,073,138).

9. As per claim 9, Bharat teaches a method for analyzing activity on a web page of a web site (see Bharat, col. 4, lines 50-64) comprising the steps of: embedding cookie processing script within a web page (see Bharat, col. 9, line 60-col. 10, line 7); sending the web page to a client node (see Bharat, col. 9, lines 27-41); operating the cookie processing script on the client node (see Bharat, col. 6, lines 41-50); and returning data resulting from the operation steps (see Bharat, col. 10, lines 27-32). But fails to teach a method of embedding data mining script within a web page; operating the data mining script on the client node. However, de l'Etraz et al. teaches a method of embedding data mining script within a web page (see de l'Etraz et al., col. 5, line 64-col. 6, line 6); operating the data mining script on the client node (see de l'Etraz et al., col. 6, lines 44-65). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bharat to a method of embedding data mining script within a web page; operating the data mining script on the client node in order to allow proprietary individual contact data to be merged with accurate and up-to-date public information in order to explore the full scope (or sphere) of an individual's or business concern's scope of influence (see de l'Etraz et al., abstract).

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10. As per claim 10, Bharat and de l'Etraz et al. teach a method, wherein the step of operating the cookie processing script on the client node includes: reading a cookie value from the client node (see Bharat, col. 3, lines 5-15); tracking events on the client node (see Bharat, col. 9, line 60-col. 10, line 7); processing cookie value based on the tracked events to obtain a new cookie value; and writing a new cookie value to the client node (see Bharat, col. 9, line 60-col. 10, line 19).

11. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bharat and de l'Etraz et al. as applied to claim 9 above, and further in view of Pogue et al. (6,112,240).

12. As per claim 11, Bharat and de l'Etraz et al. teach the mentioned limitations of claim 9 above but fail to teach a method, wherein the step of returning data includes the steps of: embedding data within an image request associated with a designated URL source; and sending the image request to the URL source. However, Pogue et al. teaches a method, wherein the step of returning data includes the steps of: embedding data within an image request associated with a designated URL source; and sending the image request to the URL source (see Pogue et al., col. 7, lines 11-22). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bharat and de l'Etraz to a method, wherein the step of returning data includes the steps of: embedding data within an image request associated with a designated URL source; and sending the image request to the URL source in order to ascertain if the web browser 302 is still on, to record the time of each web page access, and also

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to obtain other information regarding the client computer (see Pogue et al., col. 5, lines 55-67).

13. As per claim 12, the above-mentioned motivation of claim 11 applies fully in order to combine Bharat, de l'Etraz et al., and Pogue et al. Bharat, Pogue et al., and de l'Etraz et al. teach a method, further including the steps of: compiling the web browsing data into a web page traffic report; and posting the report for viewing over the wide area network (see Pogue et al., col. 4, lines 30-60).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571)272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER